

46 Am. Jur. 2d Judges § 77

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Judges

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VIII. Liabilities

B. Criminal Liability; Contempt

§ 77. Criminal liability of judge

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[Constitutional issues relating to federal criminal prosecution of federal judge](#), 65 A.L.R. Fed. 819

The doctrine of judicial immunity is applicable only to civil actions for judicial acts and does not render judges immune to criminal proceedings in the event they are charged with the commission of a crime.¹ Judges are subject to criminal prosecutions as are other citizens² and may be held responsible for the violation of a criminal statute to the same extent.³ Judicial officers are not immunized from criminal prosecution by the availability of sui generis proceedings, such as impeachment and removal from office.⁴ If a state constitution makes state judges subject to legislative impeachment for misconduct in office, conviction or acquittal on those charges does not bar criminal prosecution if the alleged conduct is punishable as a crime,⁵ and a sitting federal judge may be indicted and tried for a criminal offense without first being impeached and convicted by Congress.⁶

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Footnotes

- 1 [Strawbridge v. Bednarik](#), 460 F. Supp. 1171 (E.D. Pa. 1978); [B.K. v. Cox](#), 116 S.W.3d 351 (Tex. App. Houston 14th Dist. 2003).
- As to the general rule of nonliability for damages in civil cases, see [§ 61](#).

- 2 Dennis v. Sparks, 449 U.S. 24, 101 S. Ct. 183, 66 L. Ed. 2d 185 (1980).
3 Boags v. Municipal Court, 197 Cal. App. 3d 65, 242 Cal. Rptr. 681 (2d Dist. 1987).
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5 Boags v. Municipal Court, 197 Cal. App. 3d 65, 242 Cal. Rptr. 681 (2d Dist. 1987).
6 Claiborne v. U.S., 465 U.S. 1305, 104 S. Ct. 1401, 79 L. Ed. 2d 665 (1984).

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